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September 30, 2008

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 080004-GU – Natural Gas Conservation Cost Recovery**

Dear Ms. Cole:

Enclosed for electronic filing in the above referenced Docket, please find Florida City Gas's Preliminary Statement of Issues and Positions.

Your assistance in this matter is greatly appreciated.

Sincerely,

**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32302-1877  
Phone: (850) 224-9634  
Fax: (850) 222-0103

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Natural Gas )  
Conservation Cost Recovery )  
Clause )  
\_\_\_\_\_ )

Docket No. 080004-GU  
Filed: September 30, 2008

**FLORIDA CITY GAS  
PRELIMINARY STATEMENT OF ISSUES AND POSITIONS**

The following is the preliminary statement of issues and positions filed on behalf of Florida City Gas, a division of Pivotal Utility Holdings, Inc.:

1. What is the final end-of-period true-up amount for the period January 2007 through December 2007?

Florida City Gas: An over-recovery of \$126,342, including interest.

2. What are the appropriate conservation cost recovery factors for the period January 2009 through December 2009?

Florida City Gas: The appropriate factors are:

<u>Rate Class</u>	<u>Factor</u>
GS-1, GS-100, GS-220 (Sales & Transportation)	\$0.09304
GS-600 (Sales & Transportation)	\$0.04875
GS-1200 (Sales & Transportation)	\$0.03115
GS-6k (Sales & Transportation)	\$0.02499
GS-25000 (Sales & Transportation)	\$0.02452
GS-60000 (Sales & Transportation)	\$0.02394
Gas Lights	\$0.04846
GS-120000 (Sales & Transportation)	\$0.01785
GS-250000 (Sales & Transportation)	\$0.01643

3. What should be the effective date of the conservation cost recovery factors for billing purposes?

Florida City Gas: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2009 through December 2009. Billing cycles may start before January 1, 2009 and the last cycle may be read after December 31, 2009, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of September, 2008.



Beth Keating  
Akerman Senterfitt Attorneys at Law  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32301  
(850) 224-9634

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record this 30<sup>th</sup> day of September, 2008:

Florida Public Utilities Company Marc S. Seagrave P.O. Box 3395 West Palm Beach, FL 33402-3395	MacFarlane Ferguson Law Firm Ansley Watson, Jr. P.O. Box 1531 Tampa, FL 33601-1531
Messer Law Firm Norman H. Horton, Jr. P.O. Box 15579 Tallahassee, FL 32317	Office of Public Counsel J.R. Kelly/Patricia Christensen/S.Burgess c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, FL 32399-1400
Peoples Gas System Paula Brown P.O. Box 111 Tampa, FL 33601-0111	St. Joe Natural Gas Company, Inc. Mr. Stuart L. Shoaf P.O. Box 549 Port St. Joe, FL 32457-0549
TECO Energy, Inc. Matthew Costa P.O. Box 111 Tampa, FL 33601-0111	AGL Resources Inc. Elizabeth Wade Ten Peachtree Place Location 1470 Atlanta, GA 30309
Florida City Gas Melvin Williams 955 East 25 <sup>th</sup> Street Hialeah, FL 33013-3498	Katherine Fleming <sup>1</sup> Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399
Florida City Gas Jay Sutton 4180 South US Hwy. 1 Rockledge, FL32955-5309	Charles A. Costin Costin and Costin Law Firm P.O. Box 98 Port Saint Joe, FL 32457-1159
Florida Division of Chesapeake Utilities Corporation Thomas A. Geoffroy P.O. Box 960 Winter Haven, FL 33882-0960	Indiantown Gas Company Brian J. Powers P.O. Box 8 Indiantown, FL 34956-0008

<sup>1</sup> Hand Delivery

Docket No. 080004-GU  
September 30, 2008

Sebring Gas System, Inc. Jerry H. Melendy, Jr. 3515 U.S. Highway 27 South Sebring, FL 33870	Robert Scheffel Wright 225 South Adams Street, Suit 200 Tallahassee, FL 32301
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